

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer Melin, et al. Examiner: Chad S. Dickerson
Serial No.: 10/633,076 Group Art Unit: 2625
Filed: August 1, 2003 Docket No.: 200308666-1
Title: System and Method for Dynamically Controlling Access to Configuration
Attributes for a Printing Device

REPLY APPEAL BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed August 19, 2009, Appellants file this Reply Brief in accordance with 37 C.F.R. § 41.41.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

Claim Rejections: 35 USC § 112

In the Examiner Answer, the examiner argues that “the Examiner would have to read the specification into the claims in order to come to the conclusion of what the Appellant ‘intended’ to claim” (see Examiner Answer at p. 34). Appellants respectfully disagree with this conclusion.

In order to ascertain the meaning of the claims, one skilled in the art would merely have to read the specification, not read the specification into the claims. As explained in the Appeal Brief, the specification repeatedly teaches that the markup language transmitted from the printing device to the requesting device enables an active user interface. The specification never mentions or even suggests that the unsupported markup language performs this function.

Claim Rejections: 35 USC § 103(a)

Claim 1 recites identifying markup language code embedded in the printing device associated with the configuration attributes supported by the printing device and markup language code embedded in the printing device unsupported by the printing device. In the Examiner Answer, the examiner argues that Yeung at column 7, lines 48-50 teaches identifying markup language code embedded in the printing device unsupported by the printing device. Appellants respectfully disagree.

Yeung only stores the printer-related information that is provided to the print driver to inform the computer of the parameters of the printer. Yeung does not also store or identify code embedded in the printing device that is unsupported by the printing device. **This code unsupported by the printing device does not exist in Yeung.** Column 7, lines 48-50 teaches a storage element that indicates whether or not a print unit supports a storage unit. This teaching is very different than the recitations of the claims. The storage element in Yeung never identifies code embedded in the printing device that is unsupported by the printing device. Again, such code does not exist in Yeung. By contrast, the code in Yeung supported by the printing device is used to indicate whether or not a print unit supports a storage unit.

The examiner also cites the page protection function mentioned in column 8, line 35 of Yeung. The examiner then makes the following argument: “If the system designates

that the Page protection feature is not performed, the system then identifies an unsupported feature in the printing device” (see Examiner Answer at p. 35). Even assuming *arguendo* that Yeung identifies an unsupported feature in the printing device, this identification occurs using an entirely different method than recited in the claims.

The teaching in Yeung is very different than the recitations of the claims. Claim 1 expressly recites identifying markup language code embedded in the printing device unsupported by the printing device. This code is never stored in Yeung. Therefore, Yeung could not use this code to identify an unsupported feature in the printing device. Yeung uses the code supported by the printing device to make this determination.

Claim 1 also recites transmitting the markup language code that is associated with the configuration attributes supported by the printing device and excluding the markup language code that is unsupported by the printing device. In the Examiner Answer, “the Examiner interprets excluding the MLC that is unsupported by the printing device as simply not allowing the user to access the unsupported code” (see Examiner Answer at p. 36). This interpretation is contrary to the express language of the claim. Claim 1 never recites “not allowing the user to access the unsupported code.” Instead, the claim recites that markup language code that is unsupported by the printing device is excluded from being transmitted. The examiner is using the specification to misinterpret the express language of the claims.

Appellants respectfully ask the BPAI to consider the dependent claims separately argued with different sub-headings in the Appeal Brief.

In view of the above, Appellants respectfully ask the BPAI to reverse the rejections of the examiner.

Respectfully submitted,

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